

1040 (Form 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET

(Instructions on Reverse)

ADVERSARY PROCEEDING NO.**PLAINTIFF(S)**

Robert L. Geltzer, as Chapter 7 Trustee of A to Z Wireless Solutions, Inc.

DEFENDANT(S)

JK BUSINESS SOLUTIONS, INC. AND JOSEPH KRASNJANSKI

ATTORNEY(S) (Firm Name, Address, Telephone No.)Allen G. Kadish, Esq., DiConza Traurig Kadish LLP,
630 Third Avenue, New York, New York 10017, Tel:
212-682-4940**ATTORNEY(S)** (If Known)**PARTY** (Check One Box Only)
☐ Debtor ☐ U.S. Trustee
☐ Creditor ☒ Trustee ☐ Other
PARTY (Check One Box Only)
☐ Debtor ☐ U.S. Trustee
☐ Creditor ☐ Trustee ☒ Other
CAUSE OF ACTION (Write a brief statement of cause of action, including all U.S. statutes involved.)

return fraudulent conveyances avoidable and recoverable to sections 544, 548, 550 and 551 of the Bankruptcy Code and sections 270, et seq. of New York Debtor and Creditor Law

NATURE OF SUIT

(Number up to 5 boxes with the lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

FRBP 7001(1) – Recovery of Money/Property

- ☐ 11 – Recovery of money/property - § 542 turnover of property
☐ 12 – Recovery of money/property - § 547 preference
☒ 13 – Recovery of money/property - § 548 fraudulent transfer
☐ 14 – Recovery of money/property – other

FRBP 7001(2) – Validity, Priority or Extent of Lien

- ☐ 21 – Validity, priority or extent of lien or other interest in property

FRBP 7001(3) – Approval of Sale of Property

- ☐ 31 – Approval of sale of property of estate and of a co-owner - § 363(h)

FRBP 7001(4) – Objection/Revocation of Discharge

- ☐ 41 – Objection/revocation of discharge - § 727(c), (d), (e)

FRBP 7001(5) – Revocation of Confirmation

- ☐ 51 – Revocation of confirmation

FRBP 7001(6) – Dischargeability

- ☐ 66 – Dischargeability - § 523(a)(1), (14), (14A) priority tax claims
☐ 62 – Dischargeability - § 523(a)(2), false pretenses, false representation, actual fraud
☐ 67 – Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

☒ Check if this case involves a substantive issue of state law☐ Check if a jury trial is demanded in complaint**FRBP 7001(6) – Dischargeability (continued)**

- ☐ 61 – Dischargeability - § 523(a)(5), domestic support
☐ 68 – Dischargeability - § 523(a)(6), willful and malicious injury
☐ 63 – Dischargeability - § 523(a)(8), student loan
☐ 64 – Dischargeability - § 523 (a)(15), divorce or separation obligation (other than domestic support)
☐ 65 – Dischargeability – other

FRBP 7001(7) – Injunctive Relief

- ☐ 71 – Injunctive relief – imposition of stay
☐ 72 – Injunctive relief – other

FRBP 7001(8) – Subordination of Claim or Interest

- ☐ 81 – Subordination of claim or interest

FRBP 7001(9) – Declaratory Judgment

- ☐ 91 – Declaratory judgment

FRBP 7001(10) – Determination of Removed Action

- ☐ 01 – Determination of removed claim or cause


Other

- ☐ SS-SIPA Case – 15 U.S.C. §§ 78aaa et seq.
☐ 02 – Other (e.g., other actions that would have been brought in state court if unrelated to bankruptcy case)

☐ Check if this is asserted to be a class action under FRCP 23

Demand: \$ 15,000.00

Other Relief Sought:

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR A to Z Wireless Solutions, Inc.		BANKRUPTCY CASE NO. 14-40537 (ESS)
DISTRICT IN WHICH CASE IS PENDING Eastern District of New York	DIVISION OFFICE Brooklyn	NAME OF JUDGE Elizabeth S. Stong
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY PROCEEDING IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Allen G. Kadish	
DATE February 5, 2016		

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet. When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff, if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

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*Special Litigation Counsel for
Robert L. Geltzer, Chapter 7 Trustee*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 7

A TO Z WIRELESS SOLUTIONS, INC.,

Case No. 14-40537 (ESS)

Debtor.

-----X
ROBERT L. GELTZER, as
Chapter 7 Trustee of
A to Z Wireless Solutions, Inc.,

Adv. Pro. No. _____

Plaintiff,

v.

JK BUSINESS SOLUTIONS, INC.,
AND JOSEPH KRASNJANSKI,

Defendants.
-----X

COMPLAINT

Robert L. Geltzer, as Chapter 7 Trustee (the “**Trustee**” or the “**Plaintiff**”) of the estate of A to Z Wireless Solutions, Inc. (the “**Debtor**”), by and through his undersigned counsel, DiConza Taurig Kadish LLP, as and for his complaint (the “**Complaint**”) against JK Business Solutions, Inc., and Joseph Krasnjanski (the “**Defendants**”), respectfully alleges as follows:

NATURE OF THIS ACTION

1. This Complaint seeks the return of fraudulent conveyances avoidable and recoverable from the Defendants pursuant to sections 544, 548(a)(1), 550(a) and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.* (the “**Bankruptcy Code**”), Rule 7001(1) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and sections 270, *et seq.*, of the New York Debtor and Creditor Law (“**NYDCL**”).

PARTIES

A. The Trustee

2. On February 7, 2014 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of New York (this “**Court**”), which case was assigned Case No. 14-40537 (ESS).

3. On the same day, the Trustee was appointed as the Chapter 7 Trustee in the above-captioned Chapter 7 case, qualified, and acts herein in his capacity as the Trustee.

4. The Trustee is an individual and the Plaintiff in this action and brings this suit solely in his capacity as Trustee. He has an office in, and is a resident of, the State of New York.

B. The Defendants

5. Upon information and belief, the Defendants have a place of business at 3 Kakiat Lane, Spring Valley, New York 10977 and Defendant Joseph Krasnjanski is the principal of Defendant JK Business Solutions, Inc.

JURISDICTION AND VENUE

6. This Court has jurisdiction over of this proceeding pursuant to 28 U.S.C. §§ 157 and 1334.

7. This Complaint presents a core matter pursuant to 28 U.S.C. § 157(b)(2)(A) and (H).

8. Venue of this proceeding is proper before this Court pursuant to 28 U.S.C. § 1409.

FACTUAL BACKGROUND

9. The Debtor was engaged in the buying and selling of wireless consumer electronics from approximately 2006 until approximately May 2012.

10. According to the Debtor's schedules filed with this Court, the Debtor has at least approximately \$4,566,141.87 in debts.

11. The Trustee obtained and reviewed certain books and records of the Debtor and conducted examinations under Bankruptcy Rule 2004 of two of the Debtor's principals.

12. Attached hereto as Exhibit A is a schedule of transfers of the Debtor's property that were made to and received by the Defendants in the amount of no less than \$15,000.00 (the "**Transfers**") during the relevant avoidance period through the Petition Date (the "**Avoidance Period**"). The Trustee makes the allegations set forth herein based upon his investigation and information and belief.

CAUSE OF ACTION
(Avoidance and Recovery of Transfers)

13. The Plaintiff repeats and realleges the allegations in Paragraphs 1 through 12 of this Complaint as if fully set forth herein.

14. Each of the Transfers was a transfer of an interest of the Debtor in property in that each was a transfer of funds owned by the Debtor.

15. Each of the Transfers was made during the Avoidance Period.

16. The Debtor did not receive any monetary or other consideration in exchange for each of the Transfers.

17. The Debtor was insolvent before the Transfers were made.

18. The Debtor was insolvent at the time of the Transfers or was rendered insolvent as a result of the Transfers and/or was left with unreasonably small capital as a result of the Transfers.

19. The Trustee is entitled to avoid each of the Transfers and to recover them or the value thereof for the benefit of the Debtor's estate under sections 544, 548(a)(1), 550(a) and 551 of the Bankruptcy Code and section 270, *et seq.*, of the NYDCL.

20. The Defendants are liable to the Trustee for the return of each of the Transfers they received, or for which they received the benefit, or for the value of that Transfer.

DEMAND

WHEREFORE, the Trustee respectfully DEMANDS that this Court enter judgment in his favor and against the Defendants on all counts of this Complaint:

- a. Avoiding and awarding the Trustee each of the Transfers or the amount of the value of each of the Transfers in the amount of no less than \$15,000.00; and
- b. Granting the Trustee such other and further relief as is just and proper.

Dated: New York, New York
February 5, 2016

DICONZA TRAURIG KADISH LLP

By: 

Allen G. Kadish

630 Third Avenue

New York, New York 10017

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*Special Litigation Counsel for
Robert L. Geltzer, Chapter 7 Trustee*

Exhibit A

geltzer-a to z-avoidance & litigation\fraudulent conveyance complaint\complaint - other avoidance actions -a to z -jk business solution,and
joseph krasnjaski.docx

A to Z Wireless Solutions, Inc.

Case no.: 14-40537-ess

Date Filed: 2/7/14

A to Z Wireless Solutions, Inc. dba the OEM Shop
 TD Bank acct #7925265485

<u>Check Date</u>	<u>Check #</u>		<u>For</u>
12/23/2010	6252	Joseph Krasnjanski	(2,000.00)
1/1/2011	6344	Joseph Krasnjanski	(2,000.00) Invoice #0002
1/27/2011	6462	Joseph Krasnjanski	(1,000.00)
2/8/2011	6569	Joseph Krasnjanski	(1,000.00) 0004
2/23/2011	6672	Joseph Krasnjanski	(1,000.00) 0005
			<u>(7,000.00)</u>

A to Z Wireless Solutions, Inc. dba the OEM Shop
 TD Bank acct #7925265485

<u>Check Date</u>	<u>Check #</u>		<u>For</u>
5/31/2011	4275	JK Business Solution	(1,000.00)
6/17/2011	4316	JK Business Solution	(1,000.00)
7/11/2011	4357	JK Business Solution	(1,000.00)
7/13/2011	4387	JK Business Solution	(1,000.00)
7/27/2011	4417	JK Business Solution	(1,000.00)
8/8/2011	4453	JK Business Solution	(1,000.00)
9/21/2011	5135	JK Business Solution	(1,000.00)
10/10/2011	5187	JK Business Solution	(1,000.00)
			<u>(8,000.00)</u>
			<u>(15,000.00)</u>